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OFFICE OF PETITIONS

In re Application of
Koren et al.
Application No. 08/765,324
Filed: December 24, 1996
Attorney Docket No. OMRP 143 CIP (2)

ON PETITION

This is a decision on the reconsideration petition under 37 CFR 1.137(a), filed August 27, 2003 via facsimile, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office Action of June 18, 2002, which set a reply period of (3) three Months from the mail date of the Notice. Accordingly, the application became technically abandoned on September 19, 2003. The Notice of Abandonment was mailed January 29, 2003.

Petitioners have provided persuasive evidence to show that the delay in responding to the June 18, 2002 final Office action was unavoidable. Practitioner states that a search of the files and docket records shows no record of the communication being received. Practitioner has provided a copy of the docket records for a period of time spanning June 3, 2002 to February 28, 2002. Had the June 18, 2002 final Office action been received, it would have been listed on the docket. There is no mention of the June 18, 2002 final Office action. The evidence is persuasive that the delay in responding to the June 18, 2002 final Office action was unavoidable.

Regarding finances, pursuant to petitioners' authorization, deposit account no. 50-1868 will be charged the \$320 Notice of Appeal fee. In addition, petitioners' deposit account will be charged the \$110.00 fee associated with filing a petition under 34 CFR 1.137(a) because Office records indicate that this fee has not yet been collected.

The Notice of Appeal filed August 27, 2003 has been entered and made of record. Accordingly, the 2-month period for filing the appeal brief, in triplicate, accompanied by the fee required by law, runs from the date of this decision.

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The file is being forwarded to Technology Center 1600 to await receipt of the appeal brief in triplicate.

Telephone inquiries pertaining to this matter may be directed to the undersigned at (703) 308-6712.

A handwritten signature in cursive script, reading "E. Shirene Willis".

E. Shirene Willis
Senior Petitions Attorney
Office of Petitions